

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF OHIO
4 EASTERN DIVISION

5 UNITED STATES OF AMERICA,

6 Plaintiff, Case No. 1:19CR493
7 vs. Cleveland, Ohio
8 NATHAN JESUS BAEZA, Thursday, December 12, 2019
9 Defendant. 2:18 p.m.

10 TRANSCRIPT OF CHANGE OF PLEA HEARING
11 BEFORE THE HONORABLE JONATHAN D. GREENBERG
12 UNITED STATES MAGISTRATE JUDGE

13 APPEARANCES:

14 For the Government: Margaret A. Sweeney
15 Office of the U.S. Attorney - Cleveland
16 Carl B. Stokes U.S. Courthouse
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20 For the Defendant: James J. McDonnell
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34 Proceedings recorded by ECRO; transcript produced by
35 computer-aided transcription.

Thursday, December 12, 2019

THE DEPUTY CLERK: All rise.

THE COURT: Thank you. Please be seated.

4 THE DEPUTY CLERK: This Court is back in session
5 pursuant to recess. The Honorable Jonathan D. Greenberg
6 presiding.

7 Your Honor, the case before the Court carries Case
8 Number 1:19CR493, United States of America versus Nathan
9 Jesus Baeza.

10 THE COURT: Good afternoon.

11 On behalf of the United States.

12 MS. SWEENEY: Margaret Sweeney on behalf of the
13 United States.

14 THE COURT: On behalf of the defendant.

15 MR. MCDONNELL: Jim McDonnell on behalf of Mr.
16 Baeza.

17 THE COURT: Ms. Sweeney, is this a matter that
18 the Crime Victims' Rights Act would apply to?

19 MS. SWEENEY: No, Judge.

THE COURT: Sir, you are Nathan Jesus Baeza?

21 THE DEFENDANT: Yes, Your Honor.

THE COURT: Am I pronouncing your name correctly?

23 THE DEFENDANT: Yes, Your Honor.

THE COURT: Thank you.

25 Mr. Baeza, I've been informed that you wish to plead

1 guilty today.

2 Is my understanding correct?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Sir, I understand you've consented to
5 this Court receiving your plea.

6 Is that likewise correct?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: I have an original consent form with
9 me here on the bench. I would like you to take a look at
10 it, please.

11 Mr. Baeza, is that your signature on the consent form?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And have you discussed this consent
14 with your attorney?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And, sir, do you understand that you
17 have the right to offer your guilty plea to Judge Oliver,
18 the trial judge in this case?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And, sir, do you understand that by
21 giving this consent to my jurisdiction, you give up your
22 right to offer your guilty plea directly to Judge Oliver?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Mr. Baeza, do you still wish to
25 proceed with your guilty plea here today?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Very well.

3 The purpose of this proceeding -- the purposes of this
4 proceeding are to establish you're competent to make a plea,
5 to make sure that your plea is free and voluntary, to be
6 certain that you understand the charges asserted against
7 you, the maximum penalties for those charges, and the
8 constitutional rights that you are giving up by pleading
9 guilty, to determine that there is a factual basis for the
10 plea, and to receive your plea.

11 During today's proceeding I'll be asking you a series
12 of questions. The court reporter will record my questions
13 and your answers. Only oral or spoken answers can be
14 recorded as opposed to the nod of a head or any other kind
15 of gesture. So please clearly state your answers.

16 If you do not understand any of the questions or at
17 any time wish to consult with your attorney, please say so
18 because it is valid and -- excuse me. It is essential to a
19 valid plea that you understand each question before you
20 answer.

21 Sir, do you understand these instructions?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: You have the right to remain silent.
24 You're not required to make a statement, and anything you
25 say may be used against you.

1 Before receiving your guilty plea, there are a number
2 of questions I will ask you to assure that your plea is
3 valid. By answering these questions, you will be making
4 statements against your interest and you will incriminate
5 yourself.

6 Do you understand that by proceeding here today with a
7 guilty plea, you will necessarily be giving up your right to
8 remain silent?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: The clerk will please swear in the
11 defendant.

12 (The Defendant was sworn in.)

13 THE COURT: Sir, you've now been sworn and you're
14 under oath to tell the truth. Your answers to my questions
15 may subject you to prosecution for perjury and/or for making
16 a false statement if you do not tell the truth.

17 Do you understand the potential consequences if you
18 fail to tell the truth?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: As part of this proceeding, I must
21 determine that you're competent. That is, that you
22 understand these proceedings and are entering a knowing
23 plea.

24 To that end, sir, please state your full name.

25 THE DEFENDANT: Nathan Jesus Baeza.

1 THE COURT: And how old are you, sir?

2 THE DEFENDANT: Excuse me?

3 THE COURT: How old are you?

4 THE DEFENDANT: I am 29 years old.

5 THE COURT: Are you a citizen of the United
6 States?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: How far did you go in school?

9 THE DEFENDANT: Ninth grade.

10 THE COURT: Am I correct that you're able to both
11 speak and understand the English language?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Are you currently on probation,
14 parole, or supervised release for any state or federal
15 conviction?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Have you been treated in the last 12
18 months for any mental illness, addiction to alcohol, or
19 addiction to any narcotic drugs?

20 (Pause.)

21 THE COURT: You can ask me.

22 THE DEFENDANT: Well, where I'm at right now,
23 they're actually helping me with, like, not being able to
24 speak and stuff like that.

25 THE COURT: Are you taking some medication?

1 THE DEFENDANT: Not yet, but they're going to
2 help me.

3 THE COURT: Let me ask you this. In the last 24
4 hours, have you taken any medication, any drugs, or consumed
5 any --

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Let me finish.

8 THE DEFENDANT: Oh, sorry.

9 THE COURT: -- or consumed any alcohol?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: And is there anything about what
12 you're being treated for that is affecting your ability to
13 understand what's happening here today in court?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: So you're able to understand the
16 questions I'm asking you?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And you're able to participate with
19 your attorney in fashioning a defense and responding to what
20 he needs to go forward with today's hearing?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Very well.

23 Ms. Sweeney, do you have any doubt as to this
24 defendant's competence to plead at this time?

25 MS. SWEENEY: No, Judge.

1 THE COURT: Mr. McDonnell, do you have any doubt
2 as to your client's competence to plead at this time?

3 MR. MCDONNELL: No, Your Honor.

4 THE COURT: Sir, you have a right to be
5 represented by an attorney at each and every stage of these
6 proceedings. If you can't afford an attorney, one will be
7 appointed to represent you at no cost.

8 Now, you're represented by Mr. McDonnell here today;
9 is that correct?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Have you had enough time to discuss
12 the charges made against you and your response to those
13 charges with Mr. McDonnell?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And are you completely satisfied with
16 Mr. McDonnell's representation and the advice he's given
17 you?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Now, by proceeding with a guilty
20 plea, you'll be giving up several constitutional rights. I
21 want to next review with you those rights and establish that
22 you understand what you're giving up by pleading guilty.

23 Sir, you have a right to stand by your plea of not
24 guilty and to require the government to proceed to trial.

25 You have a right to have a trial by jury, including

1 the assistance of counsel at a trial.

2 At such a trial, you would be presumed innocent and
3 the government would be required to prove you guilty by
4 competent evidence beyond a reasonable doubt. You would not
5 have to prove that you're innocent.

6 Do you understand these rights?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And do you understand that by
9 pleading guilty you'll be giving up these rights?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: You also have a right to compulsory
12 process. That is, at trial you have the right to the
13 issuance of subpoenas to require the attendance of witnesses
14 to testify in your defense or to produce exhibits or
15 documents for trial.

16 Do you understand your right to compulsory process?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And do you understand that by
19 pleading guilty you'll be giving up this right?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: You have the right to hear, see, and
22 cross-examine all witnesses the United States may present
23 against you.

24 Do you understand your right to confront the witnesses
25 who would testify against you?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And do you understand that by
3 pleading guilty you'll be giving up this right?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Sir, you have the right to remain
6 silent at trial. While you would have the right to testify
7 if you chose to do so, you would also have the right not to
8 testify. And no inference or suggestion of guilt could be
9 drawn from the fact you did not testify.

10 Do you understand your right to remain silent?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And do you understand that by
13 pleading guilty you will be giving up this right?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Sir, as I earlier stated to you, if
16 you proceed with your plea of guilty, you will be giving up
17 your right not to incriminate yourself. You will have to
18 acknowledge that you engaged in criminal conduct to make a
19 valid guilty plea.

20 Do you understand your right not to incriminate
21 yourself?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And do you understand that by
24 pleading guilty you will be giving up this right?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Now, if you plead guilty and Judge
2 Oliver accepts your plea, do you understand that you will
3 have to give up your right to a trial and the other rights
4 I've just discussed, there will be no trial, and that the
5 district judge will enter a judgment of guilty and sentence
6 you on the basis of your guilty plea after considering a
7 presentence report?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Sir, do you understand the offense to
10 which you're pleading guilty is a felony offense and that a
11 judgment of guilty may deprive you of other civil rights
12 such as the right to vote, the right to hold public office,
13 the right to serve on a jury, and the right to possess any
14 kind of firearm?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Sir, do you have a copy of the
17 indictment?

18 THE DEFENDANT: Yes, Your Honor, I do.

19 THE COURT: Have you discussed with your lawyer
20 the charges in the indictment to which you intend to plead
21 guilty?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you understand the charges made
24 against you in the indictment?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Ms. Sweeney, can you state for the
2 record the maximum possible penalties for the count to which
3 Mr. Baeza intends to plea?

4 MS. SWEENEY: Yes, Judge. As to both counts,
5 Counts 1 and 2, in which the defendant is charged, carry the
6 same maximum penalties.

7 Count 1 is conspiracy to possess with intent to
8 distribute and distribute cocaine in violation of 21 U.S.C.,
9 Section 846 and 841(a) (1) and (b) (1) (A) .

10 Count 2 is possession of a controlled substance with
11 the intent to distribute in violation is of 21 U.S.C.,
12 Section 841(a) (1) and (b) (1) (A) .

13 That carries a mandatory term of imprisonment of ten
14 years, a maximum term of life imprisonment, a \$10 million
15 fine, at least five years of supervised release up to a life
16 term of supervised release, and a mandatory \$100 special
17 assessment for each count of conviction.

18 THE COURT: Ms. Sweeney, is there any restitution
19 in this case?

20 MS. SWEENEY: No, Judge.

21 THE COURT: Is there any forfeiture?

22 MS. SWEENEY: Judge, there is a forfeiture count
23 alleged in the indictment. However -- and defense counsel
24 can correct me if I'm wrong, but that money does not -- did
25 not come from the defendant, and I don't believe the

1 defendant has a claim nor claims any interest in that money
2 alleged in the indictment.

3 THE COURT: Is that correct, Mr. McDonnell?

4 MR. MCDONNELL: Yes, Your Honor.

5 THE COURT: Mr. Baeza, do you understand the
6 maximum possible penalties you're facing?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And do you understand the Court's
9 obligation to impose a special assessment in this case?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Is your decision to plead guilty
12 today the result of an exercise of your own free will?

13 THE DEFENDANT: Yes, Your Honor, it is.

14 THE COURT: Has anyone threatened you or
15 threatened anyone else or forced you in any way to plead
16 guilty?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: I understand that a plea agreement
19 has been entered into between you and your lawyer and the
20 lawyer for the government; is that correct?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Mr. Baeza, do you have a copy of the
23 plea agreement?

24 THE DEFENDANT: Yes, Your Honor, I do.

25 THE COURT: I'm going to hand you the original

1 that I have here on the bench. And I ask you, sir, on the
2 last page of this plea agreement, is that your signature?

3 THE DEFENDANT: Yes, Your Honor, it is.

4 THE COURT: And on each preceding page on the
5 lower right-hand corner there are initials. Are those your
6 initials?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And did you place them on each corner
9 of each page?

10 THE DEFENDANT: Yes, Your Honor, I did.

11 THE COURT: Sir, have you had an opportunity to
12 read and discuss this plea agreement with your attorney
13 before you signed it?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Do you understand the terms of the
16 plea agreement?

17 THE DEFENDANT: Yes, Your Honor, I do.

18 THE COURT: Ms. Sweeney, could you please state
19 the substance of the plea agreement for the record.

20 MS. SWEENEY: Yes, Judge.

21 This is a nonbinding, in the sense that it does not
22 bind the Court to a particular sentence, plea agreement.

23 There is a stipulated guideline calculation in
24 paragraph 16 of the plea agreement that the parties agree
25 the base offense level is a 32.

1 And the parties agree that at this time the defendant
2 appears to have accepted responsibility. And if his conduct
3 continues in that manner, the government will move for a
4 third level reduction at the time of sentencing for
5 acceptance of responsibility.

6 And the parties agree that at the time of sentencing,
7 the parties will recommend a sentence within the guideline
8 calculations recommended in this plea agreement after the
9 criminal history category found by the Court.

10 THE COURT: Mr. McDonnell, are you in accord with
11 the substance of the plea agreement as stated by Assistant
12 United States Attorney Sweeney?

13 MR. MCDONNELL: Yes, Your Honor.

14 THE COURT: Mr. Baeza, are you in accord with the
15 substance of the plea agreement as stated by the assistant
16 prosecutor?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And, Mr. Baeza, has anyone, including
19 your lawyer, the lawyer for the United States, or the Court
20 made a promise other than those contained in the plea
21 agreement to induce you to plead guilty?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Mr. Baeza, do you understand that if
24 I recommend the acceptance of this agreement and Judge
25 Oliver accepts my recommendation, then you cannot withdraw

1 your guilty plea?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Sir, I direct your attention to page
4 6, paragraph 19 of the plea agreement.

5 Mr. Baeza, do you understand that you cannot appeal
6 your sentence except under the limited circumstances
7 permitted by this section?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Sir, do you further understand that
10 you cannot contest your conviction or sentence by any
11 post-conviction proceedings?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Have you and your lawyer had an
14 opportunity to discuss the Sentencing Commission Guidelines
15 and how they might apply to your case?

16 THE DEFENDANT: Yes, Your Honor, we have.

17 THE COURT: I direct your attention to paragraphs
18 11 through 18 of the plea agreement beginning on page 3.

19 Mr. Baeza, do you understand that these paragraphs
20 discuss the application of the sentencing guidelines to your
21 case?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Has your lawyer discussed with you
24 the range of sentence you may receive?

25 THE DEFENDANT: Yes, Your Honor, he has.

1 THE COURT: Mr. McDonnell, if you can, without
2 waiving any attorney-client privilege, please state for the
3 record the substance of the discussion you had with Mr.
4 Baeza.

5 MR. MCDONNELL: Your Honor, may it please the
6 Court. The substance is, number one, that we believe he'll
7 be a criminal history I, that this started out at base
8 offense level 32. Assuming that he gets the three points
9 for acceptance of responsibility, the sentencing range is 87
10 to 108 months.

11 THE COURT: Mr. Baeza, are you in agreement with
12 what your lawyer has just stated?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And, Ms. Sweeney, does the United
15 States agree with the substance of defense counsel's
16 position on the applicable sentencing range?

17 MS. SWEENEY: That's correct, Judge.

18 THE COURT: Mr. Baeza, do you understand that
19 sentencing rests within the discretion of the Court, and
20 that federal sentencing law requires the Court to impose a
21 sentence which is sufficient but not greater than necessary
22 to comply with the purposes of sentencing as set out in the
23 United States Code, and that in doing so, the Court must
24 consider the advisory United States Sentencing Guidelines
25 we've been discussing here in open court?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Sir, do you further understand,
3 however, that the Court will determine the advisory United
4 States Sentencing Guideline imprisonment range after a
5 presentence report has been prepared by the United States
6 Probation Office?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Sir, do you further understand that
9 any recommendations contained in the plea agreement are not
10 binding on the Court and the Court may impose any sentence
11 provided by law up to the maximum we've previously
12 discussed?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And, sir, do you understand that the
15 Court alone will decide the applicable sentencing range
16 under the advisory sentencing guidelines, whether there is
17 any reason to depart from that range or impose a sentence
18 outside of the guidelines, and what sentence to impose?

19 So in other words, the sentence that the Court imposes
20 may be different from any estimate your attorney has given
21 you.

22 Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Sir, do you understand that if the
25 Court imposes a sentence different from what is recommended

1 by the government or your attorney, that you have no right
2 to withdraw your guilty plea?

3 THE DEFENDANT: Yes, Your Honor, I do.

4 THE COURT: Sir, do you understand that as
5 previously discussed, it is only under some limited
6 circumstances that you and the government may have the right
7 to appeal any sentence imposed?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Sir, do you, lastly, understand that
10 parole has been abolished and that if you are sentenced to
11 prison, you will not be released early on parole?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Having discussed your rights with
14 you, do you still wish to proceed with a guilty plea?

15 THE DEFENDANT: Yes, Your Honor, I do.

16 THE COURT: Sir, we will now review with you that
17 portion of the plea agreement in which you stipulate to the
18 facts as they relate to your conduct as charged in the
19 indictment.

20 You will have the opportunity to correct any facts you
21 believe to be incorrect.

22 I direct your attention to page 7, paragraph 21 of the
23 plea agreement.

24 Ms. Sweeney, could you please read the factual basis.

25 MS. SWEENEY: Yes, Judge. Thank you.

1 From on or about July 26, 2019 to on or about July 27,
2 2019, in the Northern District of Ohio, Eastern Division and
3 elsewhere, defendants Nathan Jesus Baeza, Harold Foucha,
4 Junior, and Christian Sherman, did knowingly and
5 intentionally combine, conspire, confederate, and agree
6 together and with each other and diverse others, known and
7 unknown to the grand jury, to distribute and possess with
8 intent to distribute approximately 20 kilograms of a mixture
9 and substance containing a detectable amount of cocaine, a
10 Schedule II controlled substance, in violation of 21 United
11 States Code, Sections 841(a) (1) and (b) (1) (A) .

12 On or about July 27, 2019, in the Northern District of
13 Ohio, Eastern Division, defendants Nathan Jesus Baeza,
14 Harold Foucha, Junior, and Christian Sherman, did knowingly
15 and intentionally attempt to possess with intent to
16 distribute approximately 20 kilograms of a mixture and
17 substance containing a detectable amount of cocaine, a
18 Schedule II controlled substance, in violation of 21 United
19 States Code, Sections 846, 841(a) (1), and (b) (1) (A) .

20 More specifically, on July 27, 2019, Baeza received a
21 shipment of what he believed was a large shipment of drugs
22 coming from Arizona.

23 Baeza took possession of the shipment intending to
24 distribute it in the Northern District of Ohio.

25 The amount of drugs possessed and distributed by the

1 defendant during the course of the conspiracy and/or
2 directly attributable to his actions and reasonably
3 foreseeable within the conspiracy was 20 kilograms of
4 cocaine.

5 The defendant knew the substance he was conspiring to
6 possess and distribute were controlled substances.

7 THE COURT: Mr. Baeza, are you in total agreement
8 with the factual basis as contained in the plea agreement?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Do you wish to make any changes in
11 the factual basis of the plea agreement as it's been read to
12 you?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Mr. McDonnell, do you agree that the
15 factual basis covers each of the essential elements of the
16 offenses to which Mr. Baeza intends to plead guilty?

17 MR. MCDONNELL: Yes, Your Honor.

18 THE COURT: Ms. Sweeney, on behalf of the United
19 States, is there anything the Court has failed to cover
20 prior to receiving this defendant's plea?

21 MS. SWEENEY: No, Judge. Thank you.

22 THE COURT: Is counsel satisfied that the Court
23 has fulfilled the requirements necessary pursuant to
24 Criminal Rule 11?

25 MS. SWEENEY: Yes, Judge.

1 THE COURT: Mr. McDonnell, is there anything the
2 Court has failed to cover prior to receiving your client's
3 plea?

4 MR. MCDONNELL: No, Your Honor.

5 THE COURT: Is counsel satisfied that the Court
6 has fulfilled the requirements necessary pursuant to
7 Criminal Rule 11?

8 MR. MCDONNELL: Yes, Your Honor.

9 THE COURT: Mr. Baeza, I am now prepared to
10 receive your plea.

11 Would you like to confer with your attorney before I
12 ask you what your plea is?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Do you have any questions of me
15 before I ask you what your plea is?

16 THE DEFENDANT: No, Judge.

17 THE COURT: Now, having advised you of your
18 rights, having established your competence, and having found
19 a factual basis for your plea, I ask you now, how do you
20 plead to Counts 1 and 2 of the indictment, guilty or not
21 guilty?

22 THE DEFENDANT: Guilty, Your Honor.

23 THE COURT: The record will reflect the defendant
24 has tendered a plea of guilty.

25 For the record, it is my finding that the defendant,

1 Nathan Jesus Baeza, is fully competent to and capable of
2 entering an informed plea, that he's aware of the nature of
3 the charges brought against him and the consequences of his
4 plea, that his plea of guilty to Counts 1 and 2 of the
5 indictment in this case is a knowing and voluntary plea
6 supported by an independent basis in fact containing each of
7 the essential elements of the offenses charged.

8 I therefore recommend that Judge Oliver approve the
9 plea agreement, accept Mr. Baeza's plea, and adjudge him
10 guilty of the offense charged in Counts 1 and 2 of the
11 indictment.

12 The Court will order a presentence investigation
13 report prior to sentencing.

14 Mr. Baeza, I would advise you that it is in your best
15 interest to cooperate with the probation officer in
16 furnishing the information for this report since the report
17 will be important in the determination as to what your
18 sentence will be.

19 You and your attorney will have a right and an
20 opportunity to examine the report and comment on it at the
21 time of sentencing.

22 The disposition sentencing in this case has been set
23 for April 2, 2020 at 11:00 a.m. before Judge Oliver.

24 The defendant is remanded to the custody of the United
25 States marshal pending that hearing.

1 Anything further on behalf of the United States?

2 MS. SWEENEY: No, Judge. Thank you.

3 THE COURT: Anything further on behalf of the
4 defendant?

5 MR. MCDONNELL: No, Your Honor.

6 THE COURT: We are adjourned. Thank you.

7 THE DEFENDANT: Thank you, Your Honor.

8 THE DEPUTY CLERK: All rise.

9 (Proceedings concluded at 12:38 p.m.)

10

11 C E R T I F I C A T E

12

13 I certify that the forgoing is a correct
14 transcript from the record of proceedings in the
15 above-entitled matter.

16

17 S/Caroline Mahnke 12/16/2019

18 Caroline Mahnke, RMR, CRR, CRC Date

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